

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERIC GREGORIO, et al.,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 20-cv-11310

Honorable Shalina D. Kumar
Magistrate Judge David R. Grand

**FOURTH STIPULATED ORDER EXTENDING
SCHEDULING ORDER DATES**

Plaintiffs and Defendant, Ford Motor Company, (the “Parties”), by and through their respective undersigned counsel, submit the following agreed upon proposed modifications to the Third Stipulated Order Extending the Scheduling Order (ECF No. 76).

1. The Parties have continued to engage in extensive discovery efforts, including multiple vehicle inspections around the country, the mutual production of documents, and ongoing depositions, including continued preparation and scheduling.

2. More specifically, the parties have engaged in substantive efforts to schedule, jointly inspect, and test drive the named-Plaintiffs’ respective vehicles in

California, Florida, and New York, and continue to meet-and-confer as to the potential need for additional expert inspections.

3. Further, the Parties argued Plaintiffs' Motion to Compel before Magistrate Judge Grand on November 18, 2023 and, subsequently, worked to comply with Judge Grand's directives. *See* Opinion and Order, Granting in Part and Denying in Part, Plaintiffs' Motion to Compel ("Order"). ECF No. 70.

4. Specifically, on multiple occasions, the Parties met and conferred as directed by the above Order. Ultimately, on February 24, 2023, the Parties agreed upon five additional Ford custodians, as contemplated in the first part of Judge Grand's Order.

5. Pursuant to Judge Grand's Order, Ford represents that it completed its production of the five additional custodians, which Ford represents contained an additional 6,288 documents comprised of more than 25,000 pages, within 30 days from the date they were identified, on March 16, 2023. Plaintiffs review of these productions is ongoing.

6. To date, Ford maintains that it has searched for, collected, reviewed, and produced over 39,300 documents, containing 293,343 pages, from 16 custodians and multiple structured/non-custodial Ford databases.

7. On March 17, 2023, the Parties attended an informal telephonic status conference with Judge Grand to update him on the Parties' progress following entry

of his Order and to address Plaintiffs' concerns regarding alleged Ford deficiencies relating to the second portion of Judge Grand's Order. During the informal telephonic status conference, Judge Grand encouraged the parties to continue their meet and confer efforts to resolve any discovery disputes that remain, which the Parties have done.

8. At this stage, various Fact Discovery activities, including fact witness depositions and 30(b)(6) depositions have either been completed or remain to be completed. Specifically, the Parties are in the process of scheduling both Plaintiff and Defendant depositions (including negotiating the scope of a 30(b)(6) deposition of Ford's corporate representative(s)).

9. Further, Defendant recently advised Plaintiff that one deponent was no longer employed by Ford, necessitating the issuance of a subpoena and service of process. After service of the subpoena, Ford's counsel advised that it will represent that employee, so dates for that deposition are in the process of being coordinated.

10. Additionally, the following deposition have occurred or are to occur:

- a. Plaintiff John Walker – Previously set for April 5, 2023 (Being rescheduled due to scheduling conflict.)
- b. Plaintiff Brendon Shunk – April 12, 2023 (Complete)
- c. Plaintiff Dylon Zimmerli – April 18, 2023 and June 13, 2023 (Completed on June 13, 2023 after unexpected adjournment due to technology problems.)
- d. Plaintiff Eric Gregorio – April 27, 2023 (Complete)

- e. Plaintiff Brandon Lemons – TBD
- f. Wayne VanHaaften (Ford Employee) – June 9, 2023 (Complete)
- g. Charles Poon (Ford Employee) – June 15, 2023
- h. John Rinke (Former Ford Employee) – (Proposed – June 28, 2023)
- i. Ford’s 30(b)(6) Designee – See below.

11. The Parties previously identified the date of June 20, 2023 for the 30(b)(6) deposition of Ford’s designee, however, Plaintiffs’ counsel who was prepared to depose the corporate representative had an unexpected medical issue necessitating surgery on June 16, 2023.

12. Given this unexpected situation and the expected recovery time, the Parties are working cooperatively to select new dates for the 30(b)(6) deposition and other fact witnesses that need to be scheduled for deposition and/or whose depositions need to be completed

13. Of course, the scheduling process for this is further compounded by summer schedules of deponents and counsel. The current availability of all counsel and the desired deponents reaches into July and beyond.

14. Presently, Fact Discovery is scheduled to end on June 27, 2003. *See* ECF No. 76, PageID.2218.

15. The Parties have met and conferred and believe that a 60-day extension of time should be sufficient to complete anticipated Fact Discovery, including the

depositions discussed above, and to resolve any ongoing discovery disputes. The Parties further believe that the expert deadlines and subsequent schedule deadlines should be extended commensurate with the extension of fact discovery.

16. Given the Parties' progress to date, their continued meet-and-confer discussions, the unexpected medical situation discussed herein, and the Parties' mutual commitment to work together to complete depositions timely, the Parties believe good cause exists to extend the schedule.

17. The Parties, therefore, propose a 60-day extension of time of all future dates.

18. This would be the third extension of the schedule.

Event	Current Date	60 Days
Fact Discovery Cutoff	June 27, 2023	August 28, 2023
Plaintiffs' Expert Reports (except merits of damages theory)	July 3, 2023	September 1, 2023
Ford's Expert Reports	August 28, 2023	October 27, 2023
Plaintiffs' Rebuttal Reports	September 29, 2023	December 1, 2023
Depositions of Plaintiffs' Experts Completed	November 27, 2023	January 26, 2024

Depositions of Ford's Experts Completed	January 29, 2024	March 29, 2024
Plaintiffs' Motion for Class Certification	March 15, 2024	May 15, 2024
Ford's Response to Class Certification; All Dispositive Motions; Ford's Expert Challenges to Plaintiffs' Experts	May 13, 2024	July 11, 2024
Plaintiffs' Reply in Support of Class Certification; Responses to all Dispositive Motions; Responses to Ford's Expert Challenges to Plaintiffs' Experts ; Plaintiffs' Expert Challenges to Ford's Experts	July 7, 2024	September 4, 2024
Replies in Support of Dispositive Motions; Replies in Support of	September 3, 2024	November 1, 2024

Ford's Expert Challenges to Plaintiffs' experts ; Responses to Plaintiffs' Expert Challenges to Ford's Experts		
Replies in Support of Plaintiffs' Expert Challenges to Ford's experts	September 30, 2024	November 22, 2024

IT IS SO ORDERED.

Dated: June 21, 2023

s/Shalina D. Kumar
HON. SHALINA D. KUMAR
United States District Judge

So Stipulated as to form:

/s/ Emily E. Hughes

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